

26. The jukebox network of claim 22, wherein the memory in each computer jukebox further comprises instructions causing the processor to store song usage data generated upon the playing of a song, and wherein the communications interface includes a transmitter for transmitting song the song usage data under the control of the processor.


In an Office Action mailed April 25, 2001 in the parent application, Serial No. 09/076,849, Claims 16-26 (which are the same as the claims 16-26 being added to this application by this Preliminary Amendment) were rejected solely under the judicially created doctrine of obviousness-type double patenting. A Terminal Disclaimer will be filed in this application as soon as the Office advises applicants of the Serial No. and filing date assigned to this application. Applicants submit that the filing of this Terminal Disclaimer will overcome the obviousness-type double patenting rejections of Claims 16-26.

Applicants will also file, as soon as the Office advises applicants of the Serial No. and filing date assigned to this application, an Invention Disclosure Statement. The citations included in that Statement are from information furnished by defendants in connection with defendants' patent invalidity contentions, which relate to Arachnid's U.S. Patent No. 5,781,889, asserted in the now settled civil action, Captioned: Arachnid, Inc. v. Touchtunes Digital Jukebox, Inc. and Technical Maintenance Corp., Inc., Civil Action No. 98 C 3765, in the United States District Court for the Northern District of Illinois, Eastern Division. The same citations were noted in Invention

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In view of the foregoing, applicants believe that with the filing of the Terminal Disclaimer, this application will be in condition to be passed to issue. Prompt action in this regard is requested. Should anything remain in order to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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John J. Held  
Registration No. 21,061

John J. Held  
Registration No. 21,061

Date:

Date: 5/23/01